

## **Kentucky Water Well Driller's Certification Board**

Meeting Minutes  
March 1, 2012

### **Opening Remarks:**

Danny called to order the regular meeting of the Water Well Drillers Certification Board 13:12 p.m. on March 1, 2012, in Louisville, Kentucky at the Fern Valley Hotel and Convention Center.

### **Roll Call:**

Danny Kelly made introductions of board members and guest present. Everyone knew one another. Danny made a roll call all of the board member were present.

#### ***Present:***

Danny Kelly Chairman, Regional Water Well Driller Representative  
Todd Mills, Regional Monitoring Well Driller Representative  
Orris Hayes, Regional Water Well Driller Representative  
Jim Dinger, KGS Representative  
David Jackson, Cabinet Representative  
Jim Bates II, Regional Water Well Driller Representative  
Roy Toney, Public at Large Representative  
Scotty Robertson, Water Well Driller Certification Program Coordinator

#### ***Guests:***

Kevin Moses, Moses Drilling, water well and geothermal driller.  
Todd Earlywine, E&E Drilling, water well and geothermal driller.

#### ***Absent:***

None

### **Announcements:**

Danny Kelly announced that Orris Hayes received a call this morning stating that March 1, 2001 is the last day to introduce a bill into the Kentucky House of Representatives and March 2 is the last day to introduce a bill into the Senate. Consequently, that morning Danny and Orris have been in contact with several Kentucky representatives and senators attempting to get the bill introduced.

Danny proceeded to update the board on his and Todd Mills attempts to get geothermal bill introduced into House of Representatives and/or Senate through Senator Steve Rudy and Representative Nessler. Senator Rudy is in total agreement with bill and would support it, but suggested that a democrat needed to sponsor the bill and introduce it into the House. Todd knew Rep. Nessler and tried to get him to do it. However, Rep. Nessler was not amenable to introducing the bill without certain stipulations been met.

David Jackson stated that it was best to start most bills in the House. However, bills do not have to originate in the house they can originate in the Senate. Danny said that it was best to have Representative Stumbo introduce bill in House. Orris stated that Rep. Stumbo thought it best, because he is Speaker of House and rather busy with other issues that another sponsor should be asked to introduce the bill, but he would support it.

Orris Hayes updated the board about his conversation with Steve Collins. Afterword he then called his local representative, Leslie Combs, and tried to get her to introduce the bill into House that morning due to the pending deadline. Rep. Combs is democrat. Orris said he was able to convince her to introduce bill into house today.

David and Danny got into conversation about alternatives if Leslie Combs was not able to get bill introduced into the Kentucky House of Representatives. Senator Winters could introduce it in the Senate later this day or tomorrow. David and Danny discussed the political climate in Frankfort, which turned to a conversation about support for bill, in the senate and house. Todd mills commented on HVAC contractors and others support of the bill because of liability issues. Jim Dinger asked the board if these organizations wrote letters, and if so, were the submitted along with the draft statute to the legislature in support of the bill. The answer was yes. Todd Mills mentioned Rep. Nessler would not help the board submit the bill.

Orris Hayes stated that about a month ago, when LRC received the bill for research Steve Collins called to inform him that it would be better to amend existing water well statute rather than creating a new geothermal statute. If bill passes then board would have one year to come up with regulatory standards. According to Orris, the DOW has records for all wells drilled in last 25 years, and needed geothermal drilling to be required to do the same. Orris stated it would be best for regulations if the regulations are based on regional geology. Orris then commented on possible construction standards for geothermal borings.

David stated if statute 223 was amended and geothermal closed loop boreholes become regulated, then it would be up to LRC and DOW, and possibly the board to help develop the appropriate regulations. LRC would do most of developing the regulation they would look at what other states are doing and then come up with standards. It would be open for comments prior to placing into effect. Orris Hayes commented again on design requirements per region. Roy Toney asked how complicated would it be to develop regulations based on geography and geology and their affects on drilling along with drilling and construction. Kevin Moses, Jim Dinger, Todd Mills, and David Jackson, were brought into the conversation on construction standards. Danny tried to bring

conversation back around to house bill. David commented that regulations could be a lot like monitoring wells in that there would be set standards to protect the environment. If driller requests a variance and can propose some construction alternative that is equally protective of groundwater and environment as the regulation, then the DOW may issue a variance. Orris talked about activities to prevent surface contamination, i.e., surface casing and sealing materials, and casing off zones of potential bad water. Danny said you have to case off zones of bad water in Western KY too, even if you are not doing geothermal.

Orris then commented again on drilling practices, grouting methods, and groundwater construction standards varying across the state, such as in eastern Kentucky as opposed to western Kentucky. Danny and Todd commented on geology of western Kentucky. Orris stated that he went to geothermal school recently and talked about backfill and cross contamination of aquifers.

Danny announced the workshop classes and that David was giving classes. David told about his classes, one, which addresses the need for geothermal regulation. Scotty mentioned that Jo Blanset was also giving classes.

Scotty announced that Jerry Collings had cancer and that Jack Newbery had a stroke.

No one else made any further announcements.

### **Approval of Minutes:**

Scotty Robertson had passed out meeting agenda and minutes of the board meeting held December 2, 2011 to the board prior to the start of the board meeting. The board members read silently the minutes of the meeting. Danny asked if everyone was satisfied with the minutes or had comments. No one had any. He then asked for a motion to approve the minutes.

Roy Toney made a motion to approve the minutes of the December 2, 2011 Kentucky Water Well Drillers Board meeting and Orris and Jim Dinger seconded the motion in unison. Danny asked for vote to approve minutes as distributed. The board unanimously approved the minutes of the last meeting.

### **Old Business:**

Danny stated as part of old business that Leslie Combs was submitting bill to House of Representatives today and if she was unsuccessful, then later this afternoon he would speak with Ken Winters and get it submitted in the Senate tomorrow. He will try to let everyone know what happens. Orris ask question about previous construction comments, Danny said lets focus on getting it passed first. Danny asked for copy of bill for Jim Dinger, Scotty gave it to him. Danny asked if any further old business. No one had any additional old business.

**New Business:**

David Jackson reported we have had several older drillers contact the Division of Water concerned that do not attend meetings or keep up fees anymore and they no longer drill. However, they want to keep their license. Scotty Robertson stated three people inquired this morning about their fathers wanting to keep their licenses even though they do not drill anymore. They asked if they had to pay fees, keep up training, etc., if they wanted to keep there license current even though they are retired.

David asked the board's opinion on maybe having an honorary well driller's license to give to retired drillers. It would not allow them to continue to drill, but would allow them to still be referred to as a well driller. Jim Dinger stated that it would not be possible under current regulation and that something like that would require amending the statute.

Danny suggested KY Ground Water Associations might de able do something. He then mentioned that Joe Moffitt had become a monitoring well driller and that KGWA was presenting him with a lifetime membership to the KGWA.

Kevin Moses mentioned they would still to have insurance, bonds and annual training to become certified. Jim Dinger said it does not meet program requirements. He suggested the DOW give them a gold colored frame for his last license certificate. Board reached a consensus that it might not be a good thing to do in letting retired drillers keep a current license with out meeting all the requirements of the law and regulations.. Danny said he would bring up the issue of retired drillers in KGWA meeting. Discussion followed by board, but negative response to Honorary Licensures.

Danny asked any further New Business. Scotty recommended that KGWA get new website for trade show and other training information for members and drillers. Danny thought that was good idea because many drillers missed meeting because they were not a member of KGWA.

Danny asked the board if there was anymore new business. No one had any new business.

**Next Meeting:**

Danny asked for suggestions for date time and location for next meeting. Kevin Moses made a suggestion to meet in Cumberland Falls, KY. Todd made a motion to meet in Cumberland Falls and Roy Toney seconded the motion. A discussion followed to find an agreeable date and time for the meeting. Orris suggested a motion to meet on May 4, 2012, at 9:00 a.m. EST and Roy Toney again seconded the motion. Danny then called for a vote on the motions. The Board unanimously passed both motions. The meeting therefore will be at Cumberland Falls State Resort Park near Corbin, Kentucky at 9:00 a.m. EST on May 4, 2012.

**Adjournment:**

Danny asked for a motion to adjourn the meeting. A motion to adjourn was made by Jim Dinger and seconded by Jim Bates at 14:30 p.m. and was passed unanimously. Danny Kelly adjourned the meeting at 14:30 p.m.